

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SB 217

Call to Order: By **CHAIRMAN ROY BROWN**, on April 15, 1999 at 1:30 P.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Ken Miller, Chairman (R)
Sen. Daryl Toews, (R)
Sen. Dorothy Eck, (D)
Rep. Roy Brown, (R)
Rep. Jay Stovall, (R)
Rep. Beverly Barnhart, (D)

Members Excused: None.

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Carol Masolo, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SB 217

EXECUTIVE ACTION ON SB 217

Amendments SB021701.aem were distributed.

EXHIBIT(ccs82sb0217a01) **SENATOR KEN MILLER** explained the amendments. Nos. 1, 2 and 6 deal with the ratios. No. 3 deals with another section I shall explain. Nos. 4 and 5 put it back the way it was.

Putting it back the way it was before deals with taking the exam. Currently if you take the exam you've been signed off as an apprentice. If you fail, you then cannot continue to work as an

apprentice or a journeyman electrician. The House was trying to limit the number of times you could take the test. With the amendment, it basically cut off the way it was worded originally. Everybody recognized there was a problem with that. This puts it back. They deal in rules as far as how long they can go. They can, at some point, say OK, you've taken the test twice and don't show any signs of disability. You just flat don't understand how to be an electrician and we're not going to allow you to continue on. Or they can say you obviously have a tough time taking a written test. We'll give you an oral test and try to get you certified that way. That was my goal, to let them have the option.

The employer also plays into this. They have a real motivation to see that apprentice get moved off the apprenticeship program and onto a journeyman. He's getting paid 90% of the journeyman's wages. They have to send him out with a journeyman, because he's only an apprentice so he can't be out working by himself. It's costing them 90% of what it is if he's a journeyman out on his own job.

REP. BARNHART asked "What is the average now of the times tested?"

SEN. MILLER said he thought Pat Osterhout of Dept. of Commerce said about 5% of the ones who go through the apprenticeship program fail the test the first time. It's much higher for ones who take the test coming from out-of-state. For the ones from the apprenticeship program, it's only 5% failure rate on the first time they take it.

REP. BARNHART Is that after five years of being an apprentice?

SEN. MILLER 8,000 hours.

REP. BARNHART They can take one exam while they're still an apprentice. They can't now.

SEN. MILLER Under the House amendments, it said you could take one exam while you were an apprentice. You can't take it again. Under the Senate, you could take it again if you got some additional education, did some additional work, take a look at where you were. The first time you fail, you have to wait three months. If you fail that time, you have to wait six months.

REP. BARNHART In between you can't work?

SEN. MILLER Under current law, you can't. Under the Senate amendments, you would be able to.

REP. BROWN Of all the people who take the test, they said 52% fail the first time. That includes everybody who may not be an apprentice also.

REP. BARNHART If we accept 4 and 5, it puts it back the way it originally was?

SENATOR MILLER That was language several people worked on before coming up here. Electricians worked on it with Pat Osterhous of the Licensing Bureau and Mark Mackin was involved with the apprenticeship program. I think I can speak on their behalf that they still agree with that.

SENATOR ECK Can somebody tell us exactly what 37-68-201 is?

Eddy McClure It's a rule making authority section and basically adopts the time limits for everybody on how often they take the test under a rule. It says examinations adopted by the Board by rule pursuant to another rule making section. It's for everybody taking licensing exams.

SENATOR ECK It's rule making but it doesn't say what the rules are.

Vote: **SENATOR ECK** Moved that **AMENDMENTS 4 AND 5 BE ADOPTED.**
Motion carried unanimously.

SENATOR MILLER Number three is an amendment Pat Osterhous of the Licensing Bureau requested on line 18, that talks about work in the electrical field for 10 years and the problem they were having was people that worked in exempt positions, like school maintenance or whatever to change out fixtures and do electrical work, or whoever would want to come in and take the exam and weren't really working as an electrician. What she wanted to add was in the electrical construction or non-exempt field. The non-exempt are the ones they allow for schools and different places.

Vote: **SENATOR ECK** Moved that **AMENDMENT 3 BE ADOPTED.** **Motion carried unanimously.**

SENATOR MILLER Amendments 1, 2 and 6 deal with the ratio and doing it with the waiver of the ratio and doing it with the waiver. The first one is title, six is the main one. They do grant waivers now, but this allows them not to require proof of advertising bidding. This is because the electricians I talked to say it causes trouble to do that. It limits them if they have an apprentice, are at the ratio, and want to hire their own son or somebody they know who they want to put on the program. Some of the electricians requested this be more lenient.

Mark Mackin has been really good and has granted waivers more lenient than in the past. We don't know how long he's going to be there; we hope for a long time because he does do a good job. This just makes it more uniform. It's not going to flood the market with apprentices, but allows for a few more for electricians who can handle it to put on a few guys and still get a 2 to 1 ratio.

SENATOR TOEWS moved amendments one, two and six. He doesn't think there's a safety issue here. Two people can train one person.

REP. BARNHART What we're changing is the waiver so all over the state they can do that.

SENATOR MILLER It would change all over the state. We're changing the waiver so any electrical contractors working in the State of Montana would be able to request a waiver to a 1 to 2 ratio, if they're in full compliance with the apprenticeship programs.

REP. BARNHART On six where it says to review the 1 to 2 ratio, the employer is not required to provide proof. Do they just get the waiver automatically?

SENATOR MILLER They have to be in full compliance with the registered apprenticeship program.

REP. BARNHART Can you tell me what your bill did last time?

SENATOR MILLER Last one was 1 to 1 ratio and it put it in statute. It didn't even address being in full compliance of the apprenticeship program. It just said you could hire at a 1 to 1 ratio.

REP. BARNHART I think I could vote for it but they should have to provide proof of advertising.

SENATOR MILLER That would be current law. Anything beyond a 1 to 2 ratio, they would have to do that.

SENATOR ECK Do programs have waivers?

SENATOR MILLER As far as I'm aware, only the plumbers have a ratio requirement at all. Plumbers have the same ratio, 3 to 1.

REP. BARNHART If I take that out, we just go back to current law. You're not doing anything with that amendment.

REP. BROWN To get this waiver, do they still have to request it from the Department and does the Dept. still have to agree to give them the waiver?

SENATOR MILLER Yes, but the only restriction is they would have to be in full compliance. I want them to make sure they're doing a good job training their apprentices.

REP. STOVALL What would the criteria be to be in full compliance?

Ingrid Danielson, Dept. of Labor & Industry, To be in full compliance, employers and apprentices both sign an agreement, basically a contract between the worker and the employer. The employer agrees to provide certain training and the apprentice agrees to go through their schooling and a certain amount of hours will be required and documented. The employer also needs to be in full compliance with the Wage and Hour laws.

SENATOR ECK I understand a really good apprentice program needs more than two journeymen for one apprentice. If you have a small shop with just one or two people, I'm not sure they would get the full breadth of experience they would get with three. That's what the rationale of this is, if I understand it. They might do very small projects and not be involved with working on a large project.

SENATOR MILLER Right now, under current law, a one man shop can have one apprentice, 1 to 1. Many one man shops specialize in certain areas, basically residential. They get trained under that scenario. What's happening in the state is a lot of these people are going out-of-state, getting training on a 1 to 1 ratio, passing the test down there and coming back to Montana. They're having to leave the state and are still getting trained on a 1 to 1 ratio or a 1 to 2 ratio. My goal is to see if we can get more electricians, stop hiring them from out-of-state and supply jobs for our students and young people.

SENATOR ECK If they're trained and licensed out of state, do we just automatically accept them.

SENATOR MILLER Sometimes, if we have reciprocity. Say they went to Colorado and passed the test there with a 75% score or greater and we have reciprocity. They can come to work here. Worst case is they would have to retake our exam, but they don't have to do any further training.

SENATOR ECK I thought it was rather telling that half of those who haven't gone through our apprenticeship program don't pass.

REP. BARNHART How many people are knocking on doors wanting an apprenticeship.

REP. MILLER I have had several contacts since I got into this telling me they are trying to get on as an apprentice and can't because the ratios. Some of them have received waivers. I handed out a list of those from last session who supported a 1 to 1 ratio.

SENATOR TOEWS In eastern Montana, we have a lot who start, get laid off because there's not enough work and can't get back on an apprenticeship program.

REP. BROWN When we heard this bill in committee, one of the major concerns for both sides of the aisle was the fact some of these apprentices could stay in the program and take the test over and over. There wasn't room for new apprentices to get into the system. **REP. TUSS** mentioned she wanted to make sure these people moved through the system for more apprentices because she felt others were getting locked out. I think this 1 to 2 ration helps solve that problem, to get more apprentices into the system. It's not 1 to 1, it's a compromise.

I've heard discussions about unions not liking this ratio situation and I ask why. That's means there will be more apprentices. More than likely, a lot of those apprentices will join the union and they will have more members. I talked to **REP. QUILLICI** about the big project that went on in Butte. They had to get electricians from all over the country because there weren't near enough electricians in Montana to handle the project. I asked if we had more apprentices, would that have made a difference? Yes, it sure would have. This is a reasonable approach to solve the problem.

REP. STOVALL Does Colorado have a 1 to 1 ratio?

SEN. MILLER Yes and no. It's confusing, because the states have a licensing ratio under which you can license and take the test, and then you have your apprenticeship program ratios. Many of you received a letter today that mentioned 72% of the states have a 1 to 3 ratio. That's talking about the apprenticeship program. In many of those same states, you can be trained on a 1 to 1 ratio and still take the test. The unique thing about a lot of the states is there are other ways to become an electrician other than the apprenticeship program. In Montana, that's basically it. We don't have it in our technical colleges, you can't just go to work as a laborer for a long period of time because a laborer doesn't get to do very much. In a lot of other states, there are a lot of different ways to train to be an electrician.

That's why it gets so convoluted when people use the ratios of other states, because it's two separate things out there.

REP. STOVALL So under current law in Montana, they have to do it on a 1 to 3 ratio. That's the only route to become a journeyman in Montana. It makes sense if we change this from a 1 to 2 ratio, Montanans would stay in Montana, become journeymen and create jobs in Montana.

Vote: Motion **carried 5-1 with SENATOR ECK voting no.**

No further amendments were presented.

ADJOURNMENT

Adjournment: 1:57 P.M.

REP. ROY BROWN, Chairman

Carol Masolo, Secretary

RB/CM

EXHIBIT (ccs82sb0217aad)